

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
W.R. GRACE & CO., <i>et al.</i> ,)	Case No. 01-1139 (JKF)
)	Jointly Administered
)	
Debtors.)	

ORDER

This matter has come before this Court at the request of W. R. Grace & Co. ("Grace") regarding a February 13, 2006 subpoena issued to Dr. Philip H. Lucas requesting the production of documents, materials and items relating to services he performed on behalf of holders of pre-petition litigation claims and his appearance at a deposition. Grace requests an order from this Court holding that the Health Insurance Portability and Accountability Act ("HIPAA") does not prevent Dr. Lucas from providing deposition testimony and documents relating to these services.

Upon consideration of the above and it appearing that this Court has jurisdiction over this matter, that venue is proper and proper notice having been given and no further notice being required; and after due deliberation and sufficient cause appearing therefore, IT IS THEREFORE, ORDERED THAT:

1. Grace is entitled to production of the documents, materials, items, and testimony sought in the subpoena pursuant to 45 C.F.R. § 164.512(e)(1).
2. In accordance with 45 C.F.R. § 164.512(e)(1), Grace (a) will not use or disclose any protected health information for any purpose other than these Chapter 11 cases, and (b) will return or destroy any medical records provided by Dr. Lucas (including copies) at the end of these Chapter 11 cases.

SO ORDERED this ____ day of _____, 2007.

Honorable Judith K. Fitzgerald
United States Bankruptcy Judge